IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

CRIMINAL MISC.APPLICATION No. 3899 of 2007

For Approval and Signature:

HONOURABLE MR.JUSTICE AKIL KURESHI

==========

1 Whether Reporters of Local Papers may be allowed to see the judgment ?

2 To be referred to the Reporter or not ?

3 Whether their Lordships wish to see the fair copy of the judgment ?

4 Whether this case involves a substantial question of law as to the interpretation of the constitution of India, 1950 or any order made thereunder ?

5 Whether it is to be circulated to the civil judge ?

==========

GUNVANTBHAI KESHUBHAI BAROT AND ANOTHER
Versus
STATE OF GUJARAT

==========

Appearance :
MR VK JOSHI for Applicants.
MR AY KOGJE, APP for Respondent.

==========

CORAM : HONOURABLE MR.JUSTICE AKIL KURESHI

Date : 20/04/2007

ORAL JUDGMENT

1) Rule. Learned APP Shri Kogje waives service of rule on behalf of the State.

2) In this application, the applicants have sought for being released

on bail in the event of their arrest pursuant to C.R.No.I-241/2007 dated 12th March 2007 filed before Satellite Police Station.

3) The applicants are constables and allegations against them include those of having committed offence punishable under Section 5 of the Immoral Trafficking (Prevention) Act, 1956 and other connected offences. Learned advocate Shri Joshi for the applicants submitted that if the regular bail application of the applicants, upon their surrender, is expedited, the applicants would be satisfied and would not press for anticipatory bail. He submitted that both the applicants are Government employees and if they are detained in custody for a period exceeding 48 hours for want of availability of time that the competent Court require for dealing with their bail applications, the applicants would invite an order of deemed suspension. He further pointed out that other co-accused have already been released on bail.

4) On the other hand, learned APP Shri Kogje opposed this application and prayed that the same be rejected. He invited the attention of the Court to some of the statements recorded by the investigating agency so far and submitted that the interrogation of the applicants is necessary and that the authorities, therefore, require to seek remand of the applicants. He submitted that the applicants deserve no discretion and the application should be rejected in *toto*.

5) Having heard learned advocates appearing for the parties and having perused the available material and in peculiar facts of the case, I find that the applicants' bail application, upon their surrender to the authorities, is required to be expedited. As noted earlier, the applicants are Government employees and considering other aspects of the matter, namely, other accused having already been released on bail, if the bail

application of the applicants is not decided expeditiously, the same may result into miscarriage of justice.

6) Only on this ground, I find that certain directions are required to be given. It is, however, made clear that such bail application as and when made by the applicants shall be decided by the competent Court unmindful of this order and shall also consider the request of the prosecution to permit remand of the applicants.

7) Subject to above observations, it is directed that the applicants shall surrender before the police authorities on 25th April, 2007. Upon such surrender, they shall be produced before the competent Court on the same day. It will be open for the applicants to move bail application immediately. If so done, the competent Court is requested to decide the same on the same day as far as possible.

8) With these directions, this application is disposed of. Rule is made absolute to the above extent. Direct service is permitted.

(Akil Kureshi, J.)

/malek